REMARKS

Claims 1 and 7-10 have been amended to more particularly point out and distinctly claim certain embodiments of Applicants' invention. Support for the amendments to the claims can be found throughout the specification and claims as originally filed.

No new matter has been added.

The amendment and/or cancellation of claims is without prejudice or disclaimer of the subject matter thereof and was done solely to expedite prosecution of the present application. Applicants reserve the right to pursue the original subject matter of this application in a later filed application claiming benefit of the instant application, including without prejudice to any determination of equivalents of the claimed subject matter.

Now pending are claims 1, 4, 5, and 7-10.

Rejections under 35 U.S.C. §112, second paragraph

The Examiner rejected claim 1 as allegedly indefinite, stating that "'0.5 – 10 fold mole diclofenac' is indefinite." This rejection is traversed. As an initial matter, the language of claim 1 (as previously pending) recited that "the ammonium chloride is blended at the range of from 0.5 to 10 fold mole based on the sodium diclofenac." In any event, Applicants respectfully contend that the language as previously pending would be understood by one of ordinary skill in the art.

However, without agreeing with the Examiner's position, and solely to expedite prosecution and allowance of the present application, claim 1 has been amended to recite that "the ammonium chloride is blended at the range of from 0.5 to 10 fold (mole/mole) based on the sodium diclofenac." A similar amendment has been made to claims 7 and 10. Support for this language can be found, e.g., in the substitute specification at page 6, lines 20-24, which recites that the "addition salt compound of the basic substance [e.g., ammonium chloride, see page 6, line 11] to be combined in

the percutaneously absorbable preparation is not specifically limited so long as it is sufficient to form ion pairs and the like with the acidic drug, and in general, preferred are the range of from 0.5 to 10 fold mole and from 0.5 to 7 fold mole based on the quantity of the acidic drug having salt-form". Thus, it is clear that the ammonium chloride can be present in an amount ranging from 0.5 to 10 fold on a mole/mole basis with respect to the sodium diclofenac.

Claim 8 and 9 were rejected as indefinite; the Examiner states that the phrase "adhesive basis layer" is indefinite. Without agreeing with the Examiner's position, claims 8 and 9 have each been amended to recite that the sodium diclofenac and the ammonium chloride are contained in an "adhesive base layer." Support for this language can be found throughout the substitute specification, e.g., at page 8, lines 19-22, which describe the preparation of an adhesive base, which is then applied on mold-release paper, followed by drying and then attaching the adhesive base to a support; and in the Examples (e.g., Examples 28, 30, 35, 38 and 40 (describing preparation of an "adhesive base")).

Applicants submit that the claim language is not vague or indefinite and does comply with the requirements of, *inter alia*, 35 U.S.C. §112.

Reconsideration and withdrawal of the objections is proper and such action is requested.

Conclusion

For at least the foregoing reasons, Applicants request reconsideration of the application. Early and favorable action is requested.

The undersigned requests any extension of time necessary for response. Although it is not believed that any additional fees are needed to consider this submission, the Examiner is hereby authorized to charge our deposit account no. 04-1105 should any fee be deemed necessary.

Respectfully submitted,

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